

\*E-filed 1/18/08\*

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6  
7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA, ) No. CR 07-70709 HRL (PVT)  
11 )  
Plaintiff, ) **STIPULATION TO CONTINUE**  
12 ) **HEARING; ORDER**  
v. )  
13 )  
DAVID LOUIS BEHAR, LINDSAY ROBIN )  
14 HOGUE, TARA BERGSTRAND, and JOHN )  
ROGER LAGACE )  
15 Defendants. )  
\_\_\_\_\_ )

16 **STIPULATION**

17 Defendants and the government, through their respective counsel, hereby stipulate that,  
18 subject to the court's approval, the hearing date in the above-captioned matter, presently  
19 scheduled for Thursday, January 24, 2008, at 9:30 a.m., be continued to Thursday, February 7,  
20 2008, at 9:30 a.m. The continuance has been requested in order to allow each defense counsel an  
21 opportunity to review new discovery and discuss the matter with their client. Furthermore, the  
22 government may provide settlement offers after considering issues and arguments raised by the  
23 defendants.

24 The parties further agree and stipulate that time should be excluded from their respective  
25 currently scheduled preliminary hearing date: January 24, 2008 through and including February  
26 7, 2008, for ongoing defense preparation, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(8)(a)

STIPULATION TO CONTINUE HEARING;  
[PROPOSED] ORDER  
No. CR 07-70709 HRL (PVT)

1 and (B)(iv). Accordingly, the United States and the defendant agree that granting the requested  
2 exclusion of time will serve the interest of justice and outweigh the interest of the public and  
3 defendant in a speedy trial.

4 DATED: January 17, 2008

5 \_\_\_\_\_  
6 /s/  
7 LARA S. VINNARD  
8 Assistant Federal Public Defender

9 \_\_\_\_\_  
10 /s/  
11 PETER LEEMING  
12 Attorney for Mr. Behar

13 \_\_\_\_\_  
14 /s/  
15 GEOFFREY BRAUN  
16 Attorney for Ms. Hogue

17 \_\_\_\_\_  
18 /s/  
19 JERRY Y. FONG  
20 Attorney for Mr. Lagace

21 \_\_\_\_\_  
22 /s/  
23 JEFF SCHENK  
24 Assistant United States Attorney

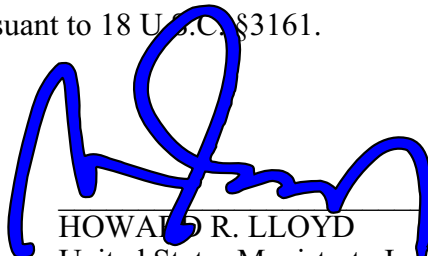
25 **ORDER**

26 The parties have jointly requested a continuance of the hearing set for January 24, 2008.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date  
presently set for January 24, 2008, be continued to February 7, 2008, at 9:30 a.m. as well as the  
period of delay from January 24, 2008, to and including February 7, 2008, be excluded for  
purposes of Speedy Trial Act computations pursuant to 18 U.S.C. §3161.

IT IS SO ORDERED.

Dated: 1/18/08

  
\_\_\_\_\_  
HOWARD R. LLOYD  
United States Magistrate Judge